



Writ Petition No.26323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26323 of 2024

and

W.M.P.Nos.28766 & 28769 of 2024

K.Sivakumar
S/o.S.Krishnamoorthy

... Petitioner

Vs.

1.The Secretary,
Animal Husbandry and Diary Development,
Secretariat, Chennai - 600 009.

2.The Commissionerate,
Diary Development Department,
Aavin Illam, Charmiers Road,
Nandanam, Chennai - 600 035.

3.The Managing Director,
Tamil Nadu Co-operative Milk Producers
Federation Ltd.,
Nandanam, Chennai - 600 035.

4.P.Rajeshkumar

5.M.Murugan

6.A.Durairaj Deva Piriyam

... Respondents

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent in Ref.No.2834/PE1/2024 dated 27.08.2024 and quash the same and consequently, direct the third respondent to include petitioner's name for the post of Deputy General Manager (Diary) in the Panel for the year 2024 by considering the petitioner's representation dated 29.08.2024.

For Petitioner : Ms.Dakshayani Reddy, Senior Counsel
for Ms.N.Lavanya

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
[R1 & R2]
Mr.P.Arunkumar [R3]

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 27.08.2024 and for a consequential direction to third respondent to include the name of the petitioner in the panel for the year 2024 to the post of Deputy General Manager (Diary) by considering the representation made by the petitioner on 29.08.2024.

2. The case of the petitioner is that based on an audit report, a charge memo was issued against the petitioner by third respondent on 10.08.2018. The petitioner submitted his reply. An enquiry officer was appointed and enquiry was conducted and through proceedings dated



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05.03.2020, an order was passed by third respondent imposing punishment of stoppage of increment for six months without cumulative effect and also for recovery of a sum of Rs.1,30,449.25/-. The petitioner has filed an appeal against this order and the same is pending.

3. The grievance of the petitioner is that a panel was prepared for the year 2024 to the post of Deputy General Manager (Diary). The name of the petitioner, who is the senior most, was not added on the ground that there is currency of punishment and whereas, the names of respondents 4 and 5 were added and according to the petitioner, they are junior to him. It is under these circumstances, the present writ petition has been filed before this Court.

4. Heard Ms.Dakshayani Reddy, learned Senior Counsel appearing for petitioner, Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.P.Arunkumar, learned counsel appearing for third respondent.

5. The punishment imposed against the petitioner has two components to it. The first component is the stoppage of increment for six



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months without cumulative effect. This order was passed on 05.03.2020 and therefore, as of 2024, this punishment is not in currency. Hence, this punishment will not come in the way of the petitioner being considered for promotion to the post of Deputy General Manager (Diary).

6. The second component is the recovery of a sum of Rs.1,30,449.25/-. When the matter was taken up for hearing today, learned Senior Counsel appearing on behalf of the petitioner submitted this amount has been remitted on 04.09.2024 and the relevant receipt was also produced before this Court. The letter issued by the Managing Director dated 04.09.2024 also acknowledges the fact that a sum of Rs.1,30,452/- has been paid by the petitioner on 04.09.2024.

7. Learned Senior Counsel appearing for petitioner submitted that even as per the proceedings dated 27.08.2024, where the punishment is for recovery of loss, the name of the individual cannot be included in the panel until the entire recovery of loss is effected. It was, therefore, contended that since the entire amount has now been paid by the petitioner, there is no bar to consider the name of the petitioner to be included in the panel for promotion to the post of Deputy General



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This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

06.09.2024

Issue order copy on 09.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

1.The Secretary,
Animal Husbandry and Diary Development,
Secretariat, Chennai - 600 009.

2.The Commissionerate,
Diary Development Department,
Aavin Illam, Charmiers Road,
Nandanam, Chennai - 600 035.

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(1/2)